

**SPECIAL EMERGENCY DIRECTIVE NO. 02 -2021**

**SUPERSEDING PROVISIONS SET FORTH IN SECTION 33-18(d) OF CHAPTER 33 AND APPENDIX III OF CHAPTER 2 PERTAINING TO TENTS**

**WHEREAS**, a worldwide pandemic has occurred involving the coronavirus more commonly known as COVID-19; and

**WHEREAS**, on March 9, 2020, pursuant to Executive Order No. 103, the Governor of the State of New Jersey declared a State of Emergency pursuant to N.J.S.A. App. A.:9-33 et seq. and a Public Health Emergency pursuant to N.J.S.A. 26:13-1 et seq. due to COVID-19; and

**WHEREAS**, on March 16, 2020, pursuant to Executive Order No. 104, the Governor of the State of New Jersey set forth numerous restrictions encouraging the practice of social distancing so as to help minimize and slow the spread of COVID-19; and

**WHEREAS**, on March 21, 2020, pursuant to Executive Orders No. 107, the Governor of the State of New Jersey, among other things, ordered the closure of non-essential businesses and specifically providing, in part, that "all restaurants, cafeterias, dining establishments, and food courts, with or without a liquor license, all bars, and all other holders of a liquor license with retail consumption privileges, are permitted to operate their normal business hours, but are limited to offering only food delivery and/or take-out services in accordance with their existing liquor licenses;" and

**WHEREAS**, pursuant to Executive Orders Nos. 152, 156 and 161 outdoor gatherings that are a religious service are permitted without numeric limitation as to number of persons; and

**WHEREAS**, this pandemic has presented unprecedented conditions that have caused countries throughout the world to shut down its economies, resulting in the worst economic contraction in nearly a century; and

**WHEREAS**, the economy in the Township of Teaneck has been similarly impacted, and it has caused great hardship and uncertainty to the businesses of Teaneck, particularly restaurants and cafes; and

**WHEREAS**, in consideration of the above, the Township Council of the Township of Teaneck has determined it in the best interests of Teaneck, its businesses, residents and visitors to implement thoughtful and meaningful policies and programs to assist the business community in Teaneck; and

**WHEREAS**, helping local businesses get back on their feet at this difficult time supports the Township Council's long-standing goal of fostering a robust and growing economy that enables entrepreneurship, employment opportunities, offers valuable products and services, and increases tax revenues that get put to good use in our community; and

**WHEREAS**, the provisions set forth in Section 33-18(d) of Article III of Chapter 33 of the Code of the Township of Teaneck are sufficient and proper during in a typical business atmosphere, but present a potential impediment to recovery from the effects of COVID-19 on the



economy; and

**WHEREAS**, on June 3, 2020, pursuant to Executive Order 150, the Governor of the State of New Jersey ordered and directed that effective at 6:00 a.m. on Monday, June 15, 2020, restaurants, cafeterias, dining establishments, and food courts, with or without a liquor license, bars, and all other holders of a liquor license with retail consumption privileges, collectively referred to as "food or beverage establishments," are permitted to offer in-person service at outdoor areas, provided that the establishment complies with the following requirements:

- a. Ensure all areas designated for food and/or beverage consumption are in conformance with applicable local, State, and Federal regulations;
- b. Limit capacity to a number that ensures all patrons can remain six feet apart from all other patrons at all times, except for those patrons with whom they are sharing a table;
- c. Satisfy all standards issued by DOH pursuant to Paragraph 3 of this Order;
- d. Ensure that tables seating individual groups are six feet apart in all directions and that individual seats in any shared area that is not reserved for individual groups, such as an outdoor bar area, are also six feet apart in all directions;
- e. Prohibit patrons from entering the indoor premises of the food or beverage establishment, except to walk through such premises when entering or exiting the food or beverage establishment in order to access the outdoor area, or to use the restroom;
- f. Require patrons to wear a face covering while inside the indoor premises of the food or beverage establishment, unless the patron has a medical reason for not doing so or is a child under two years of age; and
- g. Prohibit smoking in any outdoor areas designated for the consumption of food and/or beverages. The requirement that food or beverage establishments impose this prohibition shall automatically sunset once food or beverage establishments are permitted to offer in-person service in indoor areas; and

**WHEREAS**, Executive Order 150 further provided that:

- a. Municipalities are permitted to use their existing authority to allow food or beverage establishments to expand their footprint to outdoor areas, both within their property and among municipally-governed areas, including but not limited to sidewalks, streets, or parks. Any additional density and social distancing requirements imposed by municipalities on food or beverage establishments offering in-person service at outdoor areas are not inconsistent with Executive Order No. 108 (2020).
- b. If a municipality seeks to close off a roadway for which it would need county or State approval, it still must obtain that approval.
- c. Municipalities that make outdoor shared spaces such as sidewalks, streets, or parks, available for use by food or beverage establishments should equitably divide these spaces among



food or beverage establishments that can feasibly use it; and

**WHEREAS**, the Charter of the Township of Teaneck and the Administrative Code of the Township of Teaneck confer the power and duty of the Township Manager to act to provide for the health, safety and welfare of the Township of Teaneck in an emergency situation, through special emergency directives; and

**WHEREAS**, consistent with the directives set forth in Executive Order 150 of the Governor, the temporary relaxation of some of the requirements of Section 33-18(d) of Article III of Chapter 33 of the Code of the Township of Teaneck, pertaining to outdoor cafes would further the public health, safety and welfare of the Township of Teaneck and further the recovery of the local economy; and

**WHEREAS**, pursuant to Executive Order 244 of the Governor dated June 4, 2021, the Governor declared that:

1. The Public Health Emergency declared in Executive Order No. 103 (2020) pursuant to the EHPA, N.J.S.A. 26:13-1, et seq., is hereby terminated.
2. The State of Emergency declared in Executive Order No. 103 (2020) pursuant to N.J.S.A. App.A.:9-33 et seq. continues to exist in the State of New Jersey; and

**WHEREAS**, as a result of the Delta variant of COVID-19, COVID-19 cases continue to pose a danger to the public health, safety and welfare; and

**WHEREAS**, many restaurants, house of worship and other facilities continue to prefer outdoor venues and the use of tents; and

**WHEREAS**, by virtue of the authority conferred by the Charter of the Township of Teaneck and the Administrative Code of the Township of Teaneck, the Township Manager, by Special Emergency Directive issued on the 27 day of November, 2020, waived the fee for the erection of outdoor tents and authorized the Construction Official and Zoning Officer to issue permits to applicants for the erection of outdoor tents without the requirement for obtaining site plan approval therefor; and

**WHEREAS**, in light of the continuing State of Emergency, it would be in the public interest of the citizens of the Township of Teaneck to extent the waiver of such fees and issuance of such permits;

**NOW, THEREFORE**, by virtue of the authority conferred by the Charter of the Township of Teaneck and the Administrative Code of the Township of Teaneck, I, DEAN KAZINCI, Manager of the Township of Teaneck, do hereby ORDER and DIRECT that the fee for the erection of outdoor tents, as set forth in Appendix III of Chapter 2 of the Code of the Township of Teaneck is hereby waived effective immediately and until the cessation of the current State of Emergency by the Governor; and

**IT IS FURTHER ORDERED AND DIRECTED** that the Construction Official and Zoning Officer are hereby authorized to issue permits to applicants for the erection of outdoor



tents, subject to the Rules and Regulations hereafter asset forth, without the requirement for obtaining site plan approval therefor. To the extent that any provisions set forth in Section 33-18(d) of Article III of Chapter 33 of the Code of the Township of Teaneck is inconsistent with the within Special Emergency Directive, such provisions of Section 33-18(d) of Article III of Chapter 33 of the Code of the Township of Teaneck are superseded to the extent of such inconsistency.

1. Outdoor tents shall comply with the following requirements:
  - a. With the permission of the Township of Teaneck, outdoor tents may extend into a portion of the street adjacent to the property which is the subject of the application. In addition, the outdoor tent, with the written consent of the adjoining property owner and occupant thereof, and the permission of the Township of Teaneck, extend to the sidewalk area in front of the adjoining properties and a portion of the street.
  - b. With the permission of the Township of Teaneck, outdoor tents may be erected upon public property, on such additional terms and conditions as the Township may determine.
  - c. The tent shall allow a minimum of three feet of unobstructed sidewalk for pedestrian traffic around such tent.
  - d. Tents shall not exceed a height of fifteen (15) feet.
  - e. Tents shall be set back a minimum of three (3) feet from any property line.
  - f. In lieu of a survey prepared by a licensed surveyor and a proposed layout plan prepared by a licensed architect required pursuant to Section 33-18(d)(5)a.5 and 6, the applicant may submit scaled sketch drawing setting forth the information required by the foregoing provisions and 33-18(d)(5)b.1 thru 4.
2. The Construction Official is hereby authorized to issue permits to applicants seeking relief from the requirements of Section 33-18(d) of Article III of Chapter 33 of the Code of the Township of Teaneck, pertaining to tents, in accordance with the Rules and Regulations Promulgated hereunder; and
3. Any permits issued by the Construction Official under the temporary Rules and Regulations promulgated hereunder shall expire upon the termination of this Special Emergency Directive, or the termination of the Governor's State of Emergency, whichever first occurs.
4. Applicants shall comply with all requirements set forth in the Governor's Executive Orders, including social distancing and the wearing of masks. In addition, Applicants shall comply with any County, State, or Federal, requirements and all other applicable regulatory authorities (e.g. Division of Alcohol Beverage Control, Department of Health, Fire Department, Fire Marshall, Police Department, Uniform Construction Code).

5. Requests for the temporary closure and use of portions of public property for outdoor tents shall be reviewed on a case-by-case basis and shall take into account parking availability, traffic patterns, flow and volume, sidewalk dimensions, seating capacity, impact and other businesses and residents in the vicinity and such other factors affecting the public's health, safety and welfare. As a condition for the temporary use of a public street for outdoor tents, the Township may require the applicant to provide such safety measures as the Township may require to protect the public's health, safety and welfare.
6. Except as modified and superseded by the within Special Emergency Directive, the Applicant shall comply with the remaining requirements of Section 33-18(d) of Article III of Chapter 33 of the Code of the Township of Teaneck.
7. Nothing contained herein shall be deemed to authorize a use not otherwise permitted in accordance with the Zoning Ordinance of the Township of Teaneck.

IN WITNESSED WHEREOF I HAVE SET MY HAND AND SEAL ON THIS 27th  
DAY OF November, 2021.

TOWNSHIP OF TEANECK

  
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DEAN KAZINCI  
TOWNSHIP MANAGER